SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR – CHHATTISGARH

W.P. NO. – 6765 /2006

C.F. 10/-

PETITIONER :
PLAINTIFF

(1) **STEEL AUTHORITY OF INDIA LIMITED,**
A Government Company Registered under
Companies Act, 1956,
With its Registered Office at Ispat Bhawan,
Lodhi Road, New Delhi, and Branch Sales Office at
Equipment Chowk, Bhilai,
Tah. & Distt.: Durg (Chhattisgarh)

P.R. No. 6885/06
Presented by Shri Y.J. Kumar Dixit
dated 20/11/06

Through The Branch Manager,
Branch Sales Office, Bhilai

Versus

RESPONDENTS :
DEFENDANTS

(1) **M/s. AGRAWAL IRON PVT. LTD.,**
Plot No.: 200, Sector-C, Industrial Area,
Urla, Raipur – 493 221 (Chhattisgarh)

(2) **Mr. SUNIL AGRAWAL, Director,**

(3) **Mr. LADDU RAM AGRAWAL, Director,**

(4) **Mr. SURESH JAIN, Director,**

All above 2 to 4 are Directors of the No.1 Company,
At Plot no.200, Sector-C, Industrial Area, Urla,
Raipur – 493 221 (Chhattisgarh)

PETITION U/A ART. 226 AND 227 OF THE CONSTITUTION OF INDIA

1. Particulars of the petitioner : As given in the cause title

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 67.65 **सन् 200** 6

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

09.01.2007

Shri Satyawan Agrawal, learned counsel for the petitioner.

Heard.

The petitioner by the instant petition has impugned the order dated 20th April 2006 passed by learned District Judge, Durg whereby the applications preferred by the petitioner under Order 12 Rule 2 of the C.P.C., a notice to admit documents, interrogatories under Order 11 Rule 1 as also under Order 8 Rule 1 read with Section 151 of the C.P.C. for taking of the record the written statement filed by the defendants after a lapse of one year from service of summons, have been rejected.

Learned counsel for the petitioner submits that the Court below by the impugned order has illegally rejected the above applications which has occasioned failure of justice.

I have heard learned counsel for the petitioner and have perused the impugned order.

From perusal of the impugned order it is observed that vide order dated 7.3.2005 the defendants were directed to file written statement and accordingly written statement was filed and thereafter, the matter was posted for recording of evidence on two occasions i.e. 3.9.2005 and 8.11.2005. However, the petitioner/plaintiff did not produce any witnesses on those dates and instead filed the above

P.T.O.

(44)

XI-HC-78

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applications on 8.11.2005 which have been rejected by the impugned order.

Discovery by interrogatories under Order 11 Rule 1 of the C.P.C. is to be issued with the leave of the Court whereas under Order 12 Rule 2 C.P.C., notice to admit documents, opportunity is given to either party to call upon the other party to admit within seven days from the date of service of the notice and in case of refusal or neglect to admit, after such notice, the costs of proving any such document shall be paid by the party so neglecting or refusing.

Taking into consideration that the written statement was filed by the defendants as per directions of the Court below and further considering that the matter was fixed for recording of evidence, this Court is of the considered opinion that there is no manifest illegality in exercise of jurisdiction by the Court below which shall occasion failure of justice or grave injustice to the parties, which calls for interference under the supervisory jurisdiction under Article 227 of Constitution of India.

In the result, the petition being without substance deserves to be dismissed at the admission stage itself and is accordingly dismissed.

Sd/-
Dhirendra Mishra
Judge

P.T.O.